

**An Open Letter to President Barack Obama
And Congress from Federal Whistleblowers and Taxpayers Still Waiting for
Promises for More Accountability to Be Kept**

June 29, 2011

- FOR IMMEDIATE RELEASE -

This week marks half a year since a third version of the Whistleblower Protection Enhancement Act (WPEA) died after nearly unanimous passage. Once again, a lone Senator placed a "secret hold" and snuck home undetected at the close of the last Congress. As the Fourth of July approaches, your inaction in this Congress after many promises for greater protection of our patriotic federal whistleblowers and taxpayers is a disservice to our nation. The House has not even introduced a successor bill to the reform that last December 22 passed by unanimous consent.

The undersigned write to urge that you act on last December's mandate to protect whistleblowers without further delay. We are current or former federal employees who have blown the whistle, and know the consequences. Our titles are for identification purposes only. We are speaking as private citizens, not as representatives of the agencies where we are or were employed.

For half a year, you have allowed potentially billions of tax dollars to be wasted because all federal workers know they cannot speak up without engaging in professional suicide. The Whistleblower Protection Act of 1989 no longer works. It has been neutered by past decisions from the U.S. Merit Systems Protection Board (MSPB), and by the U.S. Court of Appeals for the Federal Circuit with its hostile, activist court rulings and monopoly review of MSPB appeals. These bodies have allowed agencies to side-step the Act with security clearance revocations, and their own retroactive ad hoc unclassified information designations. Less than 2% of whistleblower cases prevail before single MSPB "judge/jury/executioner" examiners. The Federal Circuit consistently has set precedents that undermine and negate the intent of Congress, including that a whistleblower may only prevail if the wrongdoer must prove misconduct by "irrefragable proof." to be eligible for protection. Federal whistleblowers need normal access to court, including reviews by the regional circuit courts and jury trials, the same as provided to private sector employees in every one of ten corporate whistleblower laws passed since 2002. Those protecting the taxpayers should not have second class due process rights, compared to those protecting the shareholders.

Additionally, there is not adequate review of one of the most common tactics for retaliation -- security clearance revocation. No one is committed more than us to preventing classified information from being leaked to the media or dumped onto WikiLeaks-type sites, but we want employees in the intelligence community to have a safe venue to make lawful classified disclosures. Historically, the worst boondoggles stem from classified military and intelligence contracts like the Air Force's F-22 fighter and the National Security Agency's "Trailblazer" domestic U.S. warrantless surveillance

program.

For half a year, you have not delivered the whistleblower and taxpayer protection reform you promised. Meanwhile federal spending continues at extreme levels without adequate oversight. Billions of unaccountable taxpayer dollars are being blown as a result of federal employees being reluctant to report fraud, waste, and abuse. You tell the public that you wish to prevent our federal government's historically excessive waste -- but without the testimony of eyewitness officials out in the field and in the cubicles the government's investigators and enforcers are lame. Right now, exposing extensive waste or those abusing power in the high in the chain of command is a ludicrous risk.

Half a year has not been necessary for re-evaluation of the unanimously approved legislation held by one senator. Our community is no longer going to accept the ransoming of this legislation by elements of the executive branch or by either the majority and minority congressional committees or by any member of Congress -- it stinks of political partisanship and gamesmanship. We do not need any more hearings -- where only two or three members of Congress may have the guts to show up and face people discussing their ruined lives and careers -- just to ask about what we already know: there are not enough protections for significant disclosures that embarrass senior executives.

For half a year, you have continued to claim support for whistleblowers while standing by as prosecutions, instead of protections, are pursued. The cat's out of the bag among federal officials: "Don't be a hero -- turn a blind-eye so you can collect another paycheck to support the family."

We can wait no longer.

Senators and Members of the House: We urge a Fourth of July patriotic resolution: Move the Whistleblower Protection Enhancement Act promptly upon your return from the recess. Equally significant, do not weaken last year's good government legislation. The reform mandate must pass intact, or be strengthened to justify the delays. There will be no credit for past promises if you do not act now. This issue is a weathervane of your commitment to responsibly reduce the debt. America needs your leadership to stop wasting our nation's best resource against waste.

On July 30, 1778, the Continental Congress enacted America's first whistleblower protection law. We ask that Congress declare July the Thirtieth National Whistleblower Day, honoring whistleblowers for their contributions throughout history and waste no more time in sending this patriotic policy to the President's desk. Mr. President, we urge you to do all you can to expedite this reform to fulfill your promise to federal whistleblowers. Do not shame your pledge to increase transparency and accountability to the American people.

Sincerely,

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